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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,184	11/26/2001	Siegfried Bocionek	P01,0415	9465

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
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CHICAGO, IL 60606-6473

EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/994,184	Applicant(s) BOCIONEK ET AL.	
	Examiner Sara M Hanne	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the amendment received on December 17, 2004. Amended Claim and originally presented claims 2-11 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buytaert, US Patent 6359628, and further in view of Derzay et al., US Patent 6578002.

As in Claim 1, Buytaert teaches a medical system architecture comprising a modality for acquiring examination images (Column 3, lines 16-20), a processor connected to the modality for processing the examination images (personal computer), a user interface for the processor (Fig. 3 and 4 with text), a transmission system connected to the processor for transmitting the examination images to a location remote from the processor (Column 5, lines 4-8 and Col. 6, lines 52-56), a memory connected to the transmission system for storing the examination images ("archive station", Col. 5, line 5 or alternative workstations Column 6, lines 52-56), an RIS Server (Col. 5 line 10) and the processor being programmed as an RIS client with an RIS mediator (Col. 6, line 54 et seq.) for exchanging text messages (identification information) and for displaying an RIS client window (Figure 3 and Column 6, lines 18-21) and for creating RIS

interaction masks (Column 6, lines 50-52), at the interface and producing a network connection to an RIS server for communicating with the RIS client to allow transfer of images via the RIS server for general purpose processing and analysis of said images using the RIS client window and the RIS interaction masks (Column 5, lines 2 et seq.). While Buytaert teaches the modality image acquisition and processor with RIS client interface for transmitting the images to a remote memory location, they fail to show the RIS client to allow transfer of images from the same remote location that the images were transferred to previously as recited in this claim. In the same field of the invention, Derzay et al. teaches a modality image acquisition and RIS client interface similar to that of Buytaert. In addition, Derzay et al. further teaches the exchange of examination images in both directions through a uniform service platform (Column 7, lines 12 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Buytaert and Derzay et al. before him at the time the invention was made, to modify the modality image acquisition and processor with RIS client interface for transmitting the images to a remote memory location taught by Buytaert to include the exchange of examination images in both directions of Derzay et al., in order to obtain a system for interactive exchange of examination images from remote locations. One would have been motivated to make such a combination because way to share and retrieve examination images at the user's convenience would have been obtained, as taught by Derzay et al.

As in Claim 2, Buytaert teaches the processor comprising RIS client software for processing the examination images (Column 5, lines 30-33).

As in Claim 3, Buytaert teaches the processor includes general operating software, and wherein the RIS client software is integrated into the general operating software (Column 5, lines 25-29).

As in Claim 4, Buytaert teaches the processor including RIS client software integrated into the user interface (Column 6, lines 10-12).

As in Claim 5, Buytaert teaches the processor including platform software, and wherein the RIS client software is integrated into the platform software (Figure 4).

As in Claim 6, Buytaert teaches the processor having a monitor (Figure 1, ref. 1), and wherein the processor is programmed for displaying the examination images on the monitor and for mixing the RIS client window into a display on the monitor next to the examination images (Column 4, lines 8-13).

As in Claim 7, Buytaert teaches modality for acquiring examination images, a processor, a transmission system for transmitting the examination images to a remote memory location, and the processor being programmed as an RIS client for exchanging text messages, displaying an RIS client window, simultaneously with the examination images on the processor's monitor (See Claim 6 rejection *supra*), and for creating RIS interaction masks, as well as a network connection for RIS server to RIS client communication (See Claim 1 rejection *supra*). While Buytaert teaches the modality image acquisition and processor with RIS client interface for transmitting the images to a remote memory location with simultaneous display of the RIS client window and examination images, they fail to show an icon displayed on the monitor used to open the RIS client window as recited in this claim. In the same field of the

invention, Derzay et al. teaches a modality image acquisition and RIS client interface similar to that of Buytaert. In addition, Derzay et al. further teaches the processor displaying an icon on the monitor with which the RIS client window can be opened ("Main web page 110 may therefore be viewable by clicking an input device such as a mouse on an icon (not shown) on the normal operational screen.", Column 12, lines 24-26). It would have been obvious to one of ordinary skill in the art, having the teachings of Buytaert and Derzay et al. before him at the time the invention was made, to modify the modality image acquisition and processor with RIS client interface for transmitting the images to a remote memory location with simultaneous display of the RIS client window and examination images taught by Buytaert to include the RIS client window icon of Derzay et al., in order to obtain an icon-activated RIS client window for image and data transmission specifications. One would have been motivated to make such a combination because a user-friendly input entry activation tool would have been obtained, as taught by Derzay et al.

As in Claim 8, Buytaert teaches a processor includes a user interface, and wherein the RIS client has a task card allocated thereto on the user interface (Figure 4).

As in Claim 9, Buytaert teaches a workflow associated with acquiring and processing and processing the examination images is controlled by the RIS client for automatic information transmission (Column 6, lines 57-63).

As in Claim 10, Buytaert teaches modality for acquiring examination images, a processor, a transmission system for transmitting the examination images to a remote memory location, and the processor being programmed as an RIS client for exchanging

text messages, displaying an RIS client window, simultaneously with the examination images on the processor's monitor (See Claim 6 rejection *supra*), and for creating RIS interaction masks, as well as a network connection for RIS server to RIS client communication (See Claim 1 rejection *supra*). While Buytaert teaches the modality image acquisition and processor with RIS client interface for transmitting the images to a remote memory location, they fail to show the RIS client controlled image analysis as recited in this claim. In the same field of the invention, Derzay et al. teaches a modality image acquisition and RIS client interface similar to that of Buytaert. In addition, Derzay et al. further teaches the processor functioning as a control console for the modality, and wherein the RIS client supplies data for analyzing the examination images (Column 6, lines 15-24). It would have been obvious to one of ordinary skill in the art, having the teachings of Buytaert and Derzay et al. before him at the time the invention was made, to modify the modality image acquisition and processor with RIS client interface for transmitting the images to a remote memory location taught by Buytaert to include the RIS client controlled image analysis of Derzay et al., in order to obtain client control of analyzing images for transmission. One would have been motivated to make such a combination because a user-customized method for routing images by content would have been obtained, as taught by Derzay et al.

As in Claim 11, Buytaert teaches modality for acquiring examination images, a processor, a transmission system for transmitting the examination images to a remote memory location, and the processor being programmed as an RIS client for exchanging text messages, displaying an RIS client window, simultaneously with the examination

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images on the processor's monitor (See Claim 6 rejection *supra*), and for creating RIS interaction masks, as well as a network connection for RIS server to RIS client communication (See Claim 1 rejection *supra*). While Buytaert teaches the modality image acquisition and processor with RIS client interface for transmitting the images to a remote memory location, they fail to show the statistics module as recited in this claim. In the same field of the invention, Derzay et al. teaches a modality image acquisition and RIS client interface similar to that of Buytaert. In addition, Derzay et al. further teaches the RIS client comprising a statistics module for evaluating data associated with the examination images (Column 20, lines 36-51). It would have been obvious to one of ordinary skill in the art, having the teachings of Buytaert and Derzay et al. before him at the time the invention was made, to modify the modality image acquisition and processor with RIS client interface for transmitting the images to a remote memory location taught by Buytaert to include the RIS client statistics module of Derzay et al., in order to obtain a system for statistical analysis and processing of medical images. One would have been motivated to make such a combination because a strategic, mathematical image analysis would have been obtained, as taught by Derzay et al.

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar image acquisition and transmission systems with GUIs for user documentation, image analysis and routing entries.

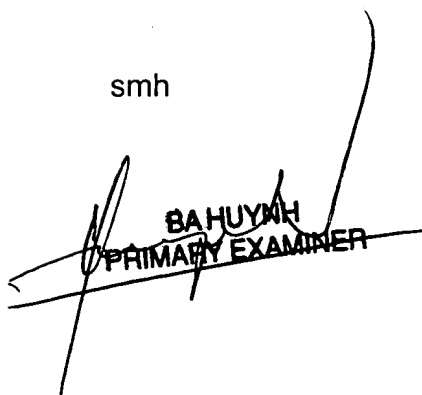
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BA HUYNH
PRIMARY EXAMINER